

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VICKI SCHUPPE o/b/o J.S.,)
Plaintiff,)
vs.) Case No. 4:04CV1677MLM
JO ANNE B. BARNHART, Commissioner)
of SOCIAL SECURITY,)
Defendant.)

MEMORANDUM OPINION

This matter is before the court on Defendant's Motion to Reverse and Remand pursuant to 42 U.S.C. § 405(g), sentence 4. [Doc. 13] The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). [Doc. 3]

The issue in this case is whether plaintiff is entitled to continue disability insurance benefits under Title XVI of the Social Security Act. Defendant's Motion states that after careful review of the case, agency counsel requested the Appeals Council of the Social Security Administration to reconsider the Commissioner's decision. Upon review, the Appeals Council determined that remand was appropriate for further consideration of plaintiff's claim.

Upon receipt of the court's remand order, the Appeals Council will remand this case to the Administrative Law Judge (ALJ) who will be directed to give further consideration to treating physician opinion and re-evaluate whether plaintiff meets the requirements for listed impairment 107.08 for Inherited Coagulation Disorders.

The court has considered defendant's Motion and plaintiff's lack of opposition and finds that the Motion should be granted. The entry of final judgment reversing and remanding this case will begin the appeal period which determines the thirty (30) day period during which a timely application for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 may be filed.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Reverse and Remand is GRANTED. [Doc. 13]

IT IS FURTHER ORDERED that a final judgment is entered contemporaneously herewith reversing the decision of the ALJ and remanding this case to the Commissioner of Social Security for further consideration pursuant to sentence 4 of 42 U.S.C. § 405(g).

IT IS FURTHER ORDERED that the entry of the final judgment will begin the appeal period which determines the thirty (30) day period during which a timely application for attorney's fees under the Equal Access to Justice Act may be made.

/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

Dated this 30th day of August, 2005.

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/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

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